

Office of the Secretary, Interior

§ 5.5

- 5.2 When do I need a permit for commercial filming or still photography?
- 5.3 How do I apply for a permit?
- 5.4 When is a permit required for news-gathering activities?
- 5.5 When will an agency deny a permit for commercial filming or still photography?
- 5.6 What type of permit conditions may the agency impose?
- 5.7 What are my liability and bonding requirements as a permit holder?
- 5.8 What expenses will I incur?
- 5.9 How long will it take to process my request?
- 5.10 Can I appeal a decision not to issue a permit?
- 5.11 Information collection.
- 5.12 How are terms defined in this subpart?

Subpart B—Areas Administered by the Bureau of Indian Affairs

- 5.15 When must I ask permission from individual Indians to conduct filming and photography?
- 5.16 When must I ask permission from Indian groups and communities?
- 5.17 When must I get a lease or permit?
- 5.18 What wages must I pay to Indian employees?

AUTHORITY: 5 U.S.C. 301; 16 U.S.C. 1-3, 3a, 668dd-ee, 715i, 460i-6d; 25 U.S.C. 2; 31 U.S.C. 9701; 43 U.S.C. 1701, 1732-1734, 1740.

SOURCE: 78 FR 52095, Aug. 22, 2013, unless otherwise noted.

Subpart A—Areas Administered by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service

§ 5.1 What does this subpart cover?

This subpart covers commercial filming and still photography activities on lands and waters administered by the National Park Service, the Bureau of Land Management, and the U.S. Fish and Wildlife Service.

§ 5.2 When do I need a permit for commercial filming or still photography?

- (a) All commercial filming requires a permit.
- (b) Still photography does not require a permit unless:
 - (1) It uses a model, set, or prop as defined in § 5.12; or
 - (2) The agency determines a permit is necessary because:

- (i) It takes place at a location where or when members of the public are not allowed; or

- (ii) The agency would incur costs for providing on-site management and oversight to protect agency resources or minimize visitor use conflicts.

- (c) Visitors do not require a permit for filming or still photography activities unless the filming is commercial filming as defined in § 5.12 or the still photography activity involves one of the criteria listed in § 5.2 (b).

§ 5.3 How do I apply for a permit?

For information on application procedures and to obtain a permit application, contact the site manager at the location at which you seek to conduct commercial filming or still photography activities.

§ 5.4 When is a permit required for news-gathering activities?

(a) *Permit requirements.* News-gathering activities involving filming, videography, or still photography do not require a permit unless:

- (1) We determine a permit is necessary to protect natural and cultural resources, to avoid visitor use conflicts, to ensure public safety or authorize entrance into a closed area; and
- (2) Obtaining a permit will not interfere with the ability to gather the news.

(b) *Terms and conditions.* All permits issued under this section will include only terms and conditions necessary to maintain order, ensure the safety of the public and the media, and protect natural and cultural resources.

(c) *Exemptions.* A permit issued for news-gathering activities is not subject to location fees or cost recovery charges.

§ 5.5 When will an agency deny a permit for commercial filming or still photography?

We will deny a permit authorizing commercial filming or still photography if we determine that it is likely that the activity would:

- (a) Cause resource damage;
- (b) Unreasonably disrupt or conflict with the public's use and enjoyment of the site;